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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,920	06/25/2001	Thomas J. Holman	1001.1181102	9756
28075 7590 06/11/2009 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420				
EXAMINER WITCZAK, CATHERINE				
ART UNIT 3767		PAPER NUMBER		
MAIL DATE 06/11/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/888,920

Applicant(s)

HOLMAN ET AL.

Examiner

CATHERINE N. WITCZAK

Art Unit

3767

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 47, 48, 49, 50, 52-54 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 5,059,186) as modified by Koehler (US 3,395,244).

Yamamoto et al disclose in Figure 10 a monolithic catheter hub comprising a threaded hub portion (102) and a strain portion (110) molded as a single piece, and a lumen configured to receive a hollow catheter (101). Yamamoto discloses the claimed invention except for the strain relief portion molded with grooves extending orthogonally into the lumen in a helical fashion such that the strain relief portion has a varied flexibility. Koehler teaches in Figure 1 and column 1, lines 53-55 that it is known to use molded grooved extending orthogonally into the lumen in a helical fashion in the strain relief portion which has a varied flexibility along its length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Yamamoto with helical grooves as taught by Koehler since such a modification would increase the flexibility of the strain relief portion, allowing the tube/catheter to bend at a considerable angle without injuring it.

2. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto as modified by Koehler in further view of Wijkmap by et al (US 5,167,647).

Yamamoto as modified by Koehler discloses the claimed invention except for the hub being molded with wings. Wijkamp et al disclose in Figure 1 it is known to use wings molded to a hub. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Yamamoto as modified by Koehler with transverse wings as taught by Wijkamp et al, since such a modification would allow the patient to have a better grip of the hub.

3. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto as modified by Koehler in further view of Bartholomew (US 4,802,947).

Yamamoto as modified by Koehler disclose the claimed invention except for the catheter having a flared proximal end. Bartholomew discloses in Figure 1 it is known to use a flared catheter (11 and 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Yamamoto as modified by Koehler with a flared catheter as taught by Bartholomew, since such a modification would provide a tight fit between the hub and catheter.

Response to Arguments

Applicant's arguments filed 3/18/2009 have been fully considered but they are not persuasive. Applicant argues that Yamamoto teaches a stress relief portion and not a strain relief portion. Examiner disagrees. In teaching a stress relief portion, Yamamoto teaches an element which prevents stress- and stress being a cause of strain - thus inherently a strain relief portion. As for Applicant's arguments that it would not be obvious to combine the references of Yamamoto and Koehler, it is the Examiner's position that in both references the hub portions are designed to prevent wear and breakage, serving the same purpose, and thus it would be obvious to modify the teachings of Yamamoto with those of Koehler to provide a more durable device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE N. WITCZAK whose telephone number is (571)272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3767

/Catherine N Witczak/

Examiner, Art Unit 3767

/Kevin C. Simons/

Supervisory Patent Examiner, Art Unit 3767